

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.25079 of 2005

Dated: 05.06.2006

Between:

Baba, S/o Nabhi Khan, Resident of Nizamabad.

.... PETITIONER

AND

The Managing Director, Northern Power Distribution Co. of A.P.
Ltd., Warangal and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.25079 of 2005

Order:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not considering the case of the petitioner for selection and appointment to the post of Junior Lineman, taking his earlier service as Casual Labour with the respondents into consideration, as illegal and arbitrary and consequently to direct the respondents to consider the case of the petitioner for selection and appointment to the post of Junior Lineman in view of his earlier service with the respondents.

The case of the petitioner, in brief, is that he worked as a Casual Labourer with the respondents for about 102 days during the years 1979 and 1980. Pursuant to the notification issued by the respondents, for selection and appointment on regular basis, the petitioner is stated to have appeared for the test conducted by the respondents, and disqualified in the test. The grievance of the petitioner is that the respondents having considered the cases of similarly situated casual labourers, appointed them in some other posts, but failed to extend the same benefit to him and they are insisting ITI qualification orally. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

According to his own admission, the petitioner in response to the notification dated 01.02.1989 issued by the respondents, appeared for the test conducted by the respondents for selection and appointment to the post of Junior Lineman, but was disqualified in the said test. Now, the petitioner contends that even though he failed in the test, his case may be considered for selection and appointment to the post of Junior Lineman taking his earlier service as Casual Labour with the respondents into consideration. When the petitioner failed to pass the test conducted by the respondents for recruitment to the post of Lineman, no direction can be given to the respondents to provide him appointment despite his failing in the written test and not possessing requisite qualifications.

The writ petition is devoid of merit and the same is liable to be

dismissed. Accordingly, the writ petition is dismissed. At this stage, learned counsel for the petitioner seeks permission of this Court that the petitioner may be permitted to appear for the test as and when the respondents issue a fresh notification for the post of Junior Lineman. No such direction is required to be given, for if the petitioner is eligible, it is always open for him to apply and appear for the test that may be conducted by the respondents as and when they issue fresh notification for appointment to the post of Junior Lineman or any other posts. No costs.

N.V. RAMANA, J.

Date: 05.06.2006

Nsr/Ksr